

RECEIVED
CENTRAL FAX CENTER

JAN 22 2008

HOLLAND & HART 

1/22/2008 11:21:48 AM

To: Ex. Strange

Fax : 15712738300

Phone:

From: Kellie A. Shaw

Fax : 800-840-9487

Phone: 801-595-7800

Message:

Please direct this to Ex. Strange's attention.

Thank you.

Number of pages including cover sheet: 2

Note: If this fax is illegible or incomplete please call us. This fax may contain confidential information protected by the attorney-client privilege. If you are not the named recipient, you may not use, distribute or otherwise disclose this information without our consent. Instead, please call [801] 799-5800; we will arrange for its destruction or return.

Holland & Hart LLP Attorneys at Law

Phone (801) 799-5800 Fax (801) 799-5700 www.hollandhart.com

60 E. South Temple Suite 2000 Salt Lake City, Utah 84111-1031

Aspen Billings Boise Boulder Cheyenne Colorado Springs Denver Denver Tech Center Jackson Hole Salt Lake City Santa Fe Washington, D.C.

RECEIVED
CENTRAL FAX CENTER

JAN 22 2008

U.S. PATENT APPLICATION NO.09/991,127
FILING DATE 14 November 2001
INVENTOR Ethan George Russell
GROUP ART UNIT 2153
EXAMINER Aaron N. Strange
ATTORNEY'S DOCKET NO. 55994.0120
TITLE METHOD AND SYSTEM FOR MONITORING THE PERFORMANCE
..... OF A DISTRIBUTED APPLICATION

PROPOSED AGENDA FOR EXAMINER'S INTERVIEW

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: Jonathan R. Lee
HOLLAND & HART LLP
P.O. Box 11583
Salt Lake City, UT 84110
Telephone: (801) 799-5800
Facsimile: (801) 799-5700

Applicant's representative submits the following proposed agenda in preparation for the telephonic interview with Examiner Strange scheduled for 31 January 2008 at 11:00 a.m. EST:

1. 35 § 112 Rejections – Applicant to amend claims
2. 35 § 103 Rejections

- a. Claim 19: Does the combination of Bryant, Bland, and Wang teach of "determining whether the distributed application data are already cached at the second site or must be transferred from the first site before determining a performance metric?"

Respectfully submitted,



Jonathan R. Lee
Registration No. 56,561